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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

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In re:

MAY 09 2000

AMENDMENT OF SECTION 73.622 (b)  
TABLE OF ALLOTMENTS  
DTV BROADCAST STATIONS  
FAYETTEVILLE, ARKANSAS

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No.

TO: Chief, Allocations Branch  
Policy and Rules Division

PETITION FOR RULEMAKING

Arkansas Educational Television Commission ("AETC"), licensee of noncommercial educational station KAFT(TV) ("KAFT"), Channel \*13, Fayetteville, Arkansas, by its attorneys and pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.622(b) of its Rules to substitute DTV Channel \*9 in lieu of DTV Channel \*45 as KAFT's paired digital channel in Fayetteville, Arkansas. This substitution of paired digital channels would serve the public interest. In addition, as the attached technical documentation demonstrates, KAFT's proposed operation on Channel \*9 will not cause impermissible interference to any other stations.

AETC proposes the following amendment to Section 73.622(b) of the Commission's

Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Fayetteville, Arkansas	15, *45	*9, 15

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In support of this petition, AETC submits the following:

A. Background.

AETC, a statewide public broadcaster and a government entity in the State of Arkansas, is the licensee of noncommercial educational television stations KEMV, Mountain View, KETS, Little Rock, KAFT, Fayetteville, KETG, Arkadelphia and KTEJ, Jonesboro. These stations are linked via broadcast auxiliary microwave stations to form the Arkansas Educational Television Network (AETN), which brings educational, cultural and informational programming, including children's programming, to all reaches of the State of Arkansas. AETN is Arkansas' only statewide television network, broadcasting to 90 percent of the state.

AETC has operated noncommercial educational station KAFT on analog Channel \*13 at Fayetteville since 1976, providing the Fayetteville area with noncommercial television service designed to inform, educate, motivate, entertain, enlighten and inspire.

B. The Proposed Change to the Table of Allotments Will Serve the Public Interest.

The proposed change to the DTV Table of Allotments will serve the public interest by enhancing KAFT's and AETC's ability to provide high quality noncommercial educational programming.

The proposed substitution will allow AETC to preserve its and the Arkansas taxpayers' resources. By necessity, as a government entity operating a statewide public television network, AETC must be a careful steward of its resources, even while it seeks to offer the highest quality of public broadcasting service. AETC has looked forward to the activation of DTV facilities. The allocation of Channel \*45 as its paired DTV channel, however, has created obstacles to the achievement of its goals. Substantial hardship will be inflicted upon AETC if it is required to activate its DTV channel on UHF Channel \*45. Operation of that DTV station with power levels

of 1000 kw as contemplated by the Commission will result in additional massive electrical power costs. This is in itself a devastating problem for this government entity operating with limited resources. This expense is especially significant in light of the fact that AETC has four additional DTV stations to construct, operate and maintain, all within a short span of time.

C. The Proposed Change to the Table of Allotments Will Not Result in Impermissible Interference with Surrounding Stations.

Under Section § 73.622(f)(5) of the Commission Rules, an existing licensee with DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in §73.623(c), and thereby will not result in new interference exceeding the *de minimis* standard set forth in that section . . ." In accordance with these rules, AETC requests that the Commission substitute DTV Channel \*9, at a power/height combination of no more than 22.1kw/506m, for DTV Channel \*45. As the engineering statement accompanying this petition demonstrates, the proposed operation of KAFT-DT on Channel \*9 with ERP of 22.1 kw (utilizing a directional antenna) and HAAT of 506 m would in fact result in no impermissible interference to any other station. It would also comply with the community coverage requirements.

Although the attached study indicates that NTSC station KETG-TV, Channel \*9, Arkadelphia, Arkansas would experience a 3.4 percent increase in interference due to the operation of KAFT-DT on Channel \*9, KETG-TV is also licensed to AETC and AETC accepts the interference. AETC believes that the public interest benefits to be gained by operating KAFT-DT on Channel \*9 rather than Channel \*45 far outweigh any marginal increase in interference to be experienced by KETG-TV. Furthermore, KETG-TV's overall interference as a result of KAFT-DT's operation Channel \*9 would be only 4.87%, which is considerably lower than the FCC's *de minimus* 10% requirement.

## **CONCLUSION**

For all of these reasons, AETC requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to substitute DTV Channel \*9 for DTV Channel \*45 as the paired channel for KAFT in Fayetteville, Arkansas. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, AETC is committed to applying for and constructing its DTV station on Channel \*9.

Respectfully Submitted,

ARKANSAS EDUCATIONAL  
TELEVISION COMMISSION

By: Todd D. Gray  
Todd D. Gray

Attorney for Petitioner

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May 9, 2000

## **ENGINEERING STATEMENT**

**Of  
Dennis W. Wallace  
Wallace & Associates**

**In support of  
Petition for Rule Making  
Non-Commercial Digital Television Allotment  
Fayetteville, Arkansas  
For Petitioner**

**Arkansas Educational Television Commission**

**KAFT-TV**

**Fayetteville, Arkansas**

### **Background**

Arkansas Educational Television Commission, (AETC) is licensee of KAFT-TV, which serves the Fayetteville, Arkansas market with NTSC service on Channel 13. In its Sixth Report and Order, the Federal Communications Commission (Commission) allotted Channel 45 to Fayetteville to be paired with KAFT for its DTV service. For reasons explained elsewhere in this petition, AETC is requesting the Commission to allot DTV channel 9 to Fayetteville to be paired with KAFT-TV, channel 13, in place of channel 45.

This Engineering Statement has been prepared in support of a petition to amend the DTV allotment table as set forth in Section 73.622(b) and, more specifically,

	<u>Channel Number</u>	
	Present	Proposed
Arkansas		
•		
•		
Fayetteville	15, *45	*9, 15
•		

### Allotment Study

It is proposed to change the Channel \*45 DTV allotment to Channel \*9 while maintaining the other allotment parameters regarding transmitter and tower location and height above average terrain.

A study has been conducted using TechWare software utilizing the parameters and criteria from the Commission's OET Bulletin 69 to evaluate potential interference, which would be caused by operation on Channel 9 at Fayetteville. It was determined that two stations would be effected by the proposed operation on channel 9. However, the study appended hereto demonstrates that an Effective Radiated Power (ERP) of 22.1 KW does provide full replication of the KAFT-TV NTSC service, while minimizing interference to the other effected stations.

The petitioner, Arkansas Educational Television Commission (AETC), is also licensee of the effected NTSC channel 9 station, KETG-TV Arkadelphia, Arkansas, and has agreed to accept any and all interference resulting from the proposed operation of Channel 9 in Fayetteville, Arkansas. The proposed allotment would cause a 3.4% service loss to KETG-TV, which would be acceptable to the licensee.

The study indicates that the proposed operation would increase the service loss to KAIT-DT, Jonesboro, Arkansas by 0.06 %. Hence, no significant increase in service loss would be

expected by the proposed DTV operation on channel 9 at Fayetteville. The allocation of channel 9 to KAIT-DT was not based upon replication of the paired NTSC station. Thus, this petition should not be considered to exceed the *de minimus* interference criteria. The use of channel 9 for KAIT-DT was requested by the licensee even though its DTV service would be significantly less than its analog service. Thus, it is believed that the grant of this petition would not materially effect the service of KAIT-DT since the predicted service loss is less than 0.1%.

It is understood that the table of separations for new DTV allotments set forth in Section 73.623(d) is not applicable as this is not a new allotment but, rather, a modification of an allotment included in the initial DTV Table of Allotments.

The fully constructed facility operating from the reference coordinates would also comply with the principal city coverage requirement of Section 73.623(c)1.

### **Conclusion**

Channel 9 can be operated at Fayetteville, Arkansas for DTV service while complying with the Commission's service and interference requirements with the following parameters:

Channel	9
Reference Coordinates	35-48-53 N , 94-01-41 W
Antenna Height	506 meters
Maximum ERP	22.1 kW
Antenna Pattern	Omni
Tower Registration Number	1038197

### **Certification**

This statement with associated exhibits was prepared by me or under my direction. All assertions contained in this statement are true of my own personal knowledge except where

otherwise indicated and these latter assertions are based on information from sources know  
reliable and are believed to be true.

A handwritten signature in black ink, appearing to read "D. Wallace", is written over a horizontal line.

Dennis W. Wallace

Technical Consultant

Wallace & Associates

April 27, 2000

Attachment: Interference Study KAFT-DT



## Interference Study

### Use of Channel 9 at Fayetteville, Arkansas

It is proposed to use DTV Channel 9 at Fayetteville, Arkansas as follows:

Reference Coordinates:	35° 48' 53" N Lat
	94° 01' 41" W Lon
Height	506 Meters
Maximum ERP	22.1 kW
Antenna Pattern	Omni

### Channel Study

A detailed analysis was undertaken to determine ERP limits for a DTV facility operating on channel 9 using TechWare software, which utilizes the parameters and methods contained in OET Bulletin 69. The results of these studies with respect to interference, based on the use of the parameters listed above are summarized in Table 1. Interference to all other stations meets the Commission's *de minimus* interference requirements.

Table 1

Station	Channel	Location	Increase Percent
KETG-TV	9	Arkadelphia, AR	3.4
KAIT-DT	9	Jonesboro, AR	0.06

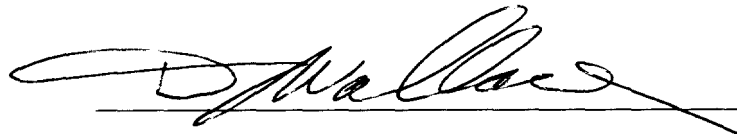
Interference to KETG-TV, Arkadelphia, Arkansas from the proposed operation of DTV channel 9 from Fayetteville is acceptable to the licensee of KETG-TV, the Arkansas Educational Television Commission (AETC), who is also the petitioner.

Interference to KAIT-DT, Jonesboro, Arkansas, is 0.06%, which is less than the 2% maximum of the *de minimus* interference requirement per station.

From the above, it can be seen that implementation of channel 9 for DTV service at Fayetteville as proposed would comply with the commission's interference requirements.

### Certification

This statement with associated exhibits was prepared by me or under my direction. All assertions contained in the statement are true of my own personal knowledge except where otherwise indicated and these latter assertions are based on information from sources known to be reliable and are believed to be true.

A handwritten signature in black ink, appearing to read 'Dennis Wallace', written over a horizontal line.

Dennis Wallace

Technical Consultant

**Wallace** & Associates

April 27, 2000